

## Montana Code Annotated - 2007

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**45-3-105. Use of force by aggressor.** The justification described in [45-3-102](#) through [45-3-104](#) is not available to a person who:

- (1) is attempting to commit, committing, or escaping after the commission of a forcible felony; or
- (2) purposely or knowingly provokes the use of force against himself, unless:
  - (a) such force is so great that he reasonably believes that he is in imminent danger of death or serious bodily harm and that he has exhausted every reasonable means to escape such danger other than the use of force which is likely to cause death or serious bodily harm to the assailant; or
  - (b) in good faith, he withdraws from physical contact with the assailant and indicates clearly to the assailant that he desires to withdraw and terminate the use of force but the assailant continues or resumes the use of force.

**History:** En. by Sec. 1, Ch. 513, L. 1973; R.C.M. 1947, .

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